

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

2:10-CR-319 JCM (PAL)

UNITED STATES OF AMERICA,

Plaintiff(s),

v.

PARKER ENLOE,

Defendant(s).

ORDER

Presently before the court is defendant Parker Enloe's motion to modify the court's order of restitution. (Doc. # 52). The government filed a response in opposition (doc. # 54), and defendant filed a reply (doc. # 55).

On July 16, 2010, defendant pleaded guilty to a single count of conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349. (Doc. # 6). On January 18, 2013, defendant was sentenced to one month of incarceration followed by five years of supervised release. (Doc. # 44). On April 15, 2013, the court held a restitution hearing and ordered that defendant pay \$839,047.01, specifically stating that the payment amounts could be adjusted by the probation officer based on defendant's ability to pay. (Doc. # 48).

Defendant now requests that the restitution amount be reduced in consideration of his minor role in the conspiracy and because his earnings have decreased due to his status as a convicted felon.

1 The court is not persuaded by either of defendant's arguments. The court was fully informed
2 as to the scope of defendant's participation in the conspiracy prior to issuing the judgment in this
3 matter. (Doc. # 51). Defendant pleaded guilty to participating in four fraudulent transactions, and the
4 restitution order was based upon the value of those transactions. Defendant puts forward no evidence
5 indicating that there was a miscalculation as to the loss amount in the transactions in which he
6 participated.

7 Furthermore, defendant's second argument is misplaced, as the order of restitution is not
8 based upon his level of income, but instead upon the loss he caused through his criminal acts. If
9 defendant is unable to afford the required periodic payments, he may request that the schedule be
10 adjusted based on his ability to pay. However, the total amount of restitution shall remain the same.

11 Accordingly,

12 IT IS HEREBY ORDERED, ADJUDGED, DECREED that defendant Parker Enloe's motion
13 to modify the court's order of restitution (doc. # 52) is DENIED.

14 DATED March 31, 2014.

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17 **UNITED STATES DISTRICT JUDGE**
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